



3737

Docket No. BIO-83

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Shlomo Ben-Haim et al.

Serial No. : 09/273,646

Art Unit: 3737

Filed : March 23, 1999

Examiner: Ruth S. Smith

For : MEDICAL DIAGNOSIS TREATMENT AND IMAGING SYSTEMS

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Commissioner for Patents, United States Patent and Trademark Office,
PO Box 1450, Arlington VA 22313-1450 on

December 4, 2003

(Date)

Vincent J. Serrao

Name of applicant, assignee, or Registered Representative

(Signature)

December 4, 2003

(Date)

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12/05**RESPONSE TO INTERVIEW SUMMARY**

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Commissioner for Patents
United States Patent and Trademark Office
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TECHNOLOGY CENTER R3700

Dear Sir:

In response to the Interview Summary mailed on November 7, 2003
in the above-captioned patent application, applicants request that the
following remarks be made of record.

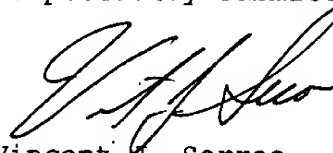
Applicants filed a request for a signed PTO Form 1449 in the
above referenced application. Applicants' records indicate this form
was submitted on April 21, 1999. In response to applicants' request,
Examiner Ruth S. Smith initiated a telephone conference and attempted
to contact Mr. Louis Capezzuto, the attorney of record in this
application. Mr. Capezzuto was unavailable and Examiner Smith instead
spoke with Ms. Ann Nicholson, Mr. Capezzuto's Administrative
Assistant. During the telephone conference, Examiner Smith stated

that the PTO Form 1449 was not received. Ms. Nicholson subsequently spoke with Mr. Capezzuto and returned the telephone call to Examiner Smith. During the second telephone conversation with Examiner Smith, Ms. Nicholson stated that the application should issue. Examiner Smith then noted that the application would issue without the prior art being made of record. Ms. Nicholson agreed.

Ms. Nicholson is not registered to practice before the patent office and did not fully understand the ramifications of her statement. Indeed, applicants do not wish for the application to issue without prior art being made of record and put before the Examiner. Accordingly, the applicants have filed a Petition under 37 C.F.R. § 1.313(c)(2) to withdraw the application from issue, including a Request for Continued Examination along with an Information Disclosure Statement.

No additional fee is thought to be necessary to enter this Response. If an additional fee is required, the Examiner is authorized to charge the Applicants' Deposit Account Deposit - Account No. 10-0750/BIO-83/LJC.

Respectfully submitted,



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Date: December 4, 2003